

### **REMARKS**

Claims 33-42 were pending in the instant application. With this amendment, claims 33-42 have been canceled without prejudice to Applicants' right to pursue the subject matter of the canceled claims in one or more related applications. New claims 43-59 have been added for purposes of clarity and to more particularly point out and distinctly claim the invention. Support for the newly added claims is found throughout the specification as filed. For example, support for claim 1 may be found, *inter alia*, at page.... Accordingly, no new matter has been added.

### **INTERVIEW SUMMARY RECORD**

Applicants and Applicants' representatives thank Examiner Karen Canella for the courtesy of the telephone interview on May 23, 2006 with Applicants' representatives, Laura A. Coruzzi, Eileen E. Falvey and Richard Enmon, Jr., in connection with the above-referenced application. During the interview, the outstanding Office Action and amendments presented herein were discussed. In particular, the undersigned offered to amend the claims to recite the treatment of melanoma to obviate all outstanding rejections under 35 U.S.C. § 112, and to submit a declaration under 37 C.F.R. § 1.131 to remove U.S. Patent No. 6,063,911 to Vournakis *et al.* ("Vournakis") as a reference. 37 C.F.R. § 1.133 and M.P.E.P. 713.04. The Examiner indicated that the proposed amendments and declaration would be favorably considered.

### **THE REJECTION UNDER 35 U.S.C. § 103(a) SHOULD BE WITHDRAWN**

Claims 33, 37 and 39-42 are rejected under 35 U.S.C. § 103(a) as obvious over Kikutchi *et al.*, 1996, Biochem. Biophys. Res. Comm. 219:734-739 ("Kikutchi") in view of U.S. Patent No. 6,063,911 to Vournakis *et al.* ("Vournakis").

For reasons of record, Applicants do not agree that the proposed combination of art renders obvious the claimed invention; however, to advance prosecution and to reduce the outstanding issues, Applicants submit herewith a declaration under 37 C.F.R. § 1.131 which establishes that the claimed invention was made prior to the effective date of Vournakis. Accordingly, Vournakis is not available as prior art and the rejection under 35 U.S.C. 103(a) should be withdrawn.

**THE REJECTION UNDER 35 U.S.C. § 112 SHOULD BE WITHDRAWN**

Claims 33- 42 are rejected under 35 U.S.C. § 112, first paragraph, for an alleged lack of written description and enablement. Claims 40 and 42 are also rejected under 35 U.S.C. § 112, second paragraph, for allegedly failing to point out and distinctly claim the invention.

The rejected claims have been cancelled by this amendment and replaced with new claims 43 -59, drawn to methods of treating melanoma. The new claims do not recite the offending language relied upon by the Examiner in the instant rejection; thus, Applicants believe that the new claims obviate all outstanding rejections under 35 U.S.C. § 112. Accordingly, Applicants submit that the rejections under 35 U.S.C. § 112 should be withdrawn.

**CONCLUSION**

Applicants respectfully request entry of the foregoing amendments and remarks into the file of the above-identified application. Applicants believe that all the pending claims are in condition for allowance. Withdrawal of the rejections and allowance of the claims are earnestly sought.

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Respectfully submitted,

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